

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELAINE L. CHAO, SECRETARY OF
LABOR, U.S. DEPT. OF LABOR, :
Plaintiff, : Civil Action
No. 03- 279
v. :
LOCAL 57, LABORERS INT'L
UNION OF NORTH AMERICA :
AFL-CIO, :
Defendant :

Motion To Enter Consent Order

Plaintiff Secretary of Labor, United States Department of Labor, and Defendant, Local 57, Laborers Int'l Union of North America, AFL-CIO, through their undersigned attorneys, hereby move for the entry of the attached Consent Order agreed to by the parties. In support thereof, the parties represent as follows:

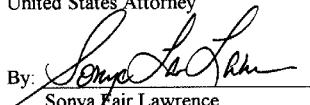
1. The parties have reached an agreement for the purpose of settling the above-referenced matter. The parties have agreed that the Secretary of Labor shall supervise Defendant Local 57's next regularly scheduled election of Union officers to be held in May 2005. The Court shall retain jurisdiction until the results of that election have been certified by the Secretary. The terms of this agreement have been incorporated into the attached Consent Order, which has been signed by the parties.

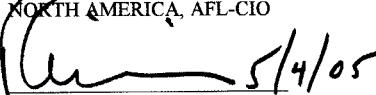
WHEREFORE, for the reasons set forth above, the parties respectfully request that their

Motion to Enter Consent Order be granted.

Respectfully submitted,

For the Plaintiff
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT
OF LABOR

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United States Attorney
By: 
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For the Defendant
LOCAL 57, LABORERS
INTERNATIONAL UNION OF
NORTH AMERICA, AFL-CIO

5/4/05

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELAINE L. CHAO, SECRETARY,)
UNITED STATES DEPARTMENT OF LABOR,)
v.)
Plaintiff,) Civil Action
) No. 03-279
)
LOCAL 57, LABORERS INTERNATIONAL)
UNION OF NORTH AMERICA, AFL-CIO)
Defendant)

CONSENT ORDER

Plaintiff, Elaine L. Chao, Secretary of Labor, United States Department of Labor, has filed a complaint, pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. Section 401 *et. seq.*, hereinafter referred to as "the Act." Defendant, Local 57, Laborers International Union of North America, AFL-CIO, hereinafter referred to as "Local 57", has appeared by counsel and hereby agrees to the entry of this Order, based on the following stipulations:

1. This action and the parties are properly before this Court pursuant to Title IV of the Act, and the court has jurisdiction over the parties and the subject matter of this action.
2. The terms and provisions of this Consent Order are not to be construed so as to prejudice either party in the event that this Consent Order is not approved by the court.
3. Both parties have agreed to the terms of this Order.
4. Accordingly, it is ORDERED AND DECREED as follows:

- a. As prescribed by the Union's Constitution, the next regularly scheduled nomination for Union officers is to take place between ten and twenty days prior to the regular meeting of the Local Union to be held in May 2005. The election of Union officers will take place in May 2005 and the date on which the election shall be held will be fixed at the May membership meeting. Defendant will conduct nominations and election of all Union officers in said election under the supervision of the Secretary of Labor or her designated representatives in conformity with the provisions of the Act, and so far as lawful and practicable, in conformity with the provisions of the Constitution of the Laborers International Union of North America, AFL-CIO, including Local 57's Constitution and By-laws.
- b. At least forty-five (45) days before the institution of the nomination process for the 2005 supervised election of officers, the parties shall confer on the rules and regulations to be operative in said election.
- c. All decisions as to the interpretation or application of Title IV of the Act and the Constitution of the union relating to this supervised election and nominations are to be determined by the Secretary in conformity with Section 4(a) above; and those decisions shall be final, subject to judicial review at the request of either party.

5. Following the conduct of the aforesaid election and the resolution of timely protests, if any, the Secretary shall promptly certify to the court the names of the persons elected and the Court shall thereupon enter a decree declaring such persons to be the officers of the defendant. The Court shall retain jurisdiction until the results of the aforesaid

election have been certified by the Secretary and the court shall thereupon enter a decree in accordance with Section 402(c) of the Act, 29 U.S.C. Section 482(c) and dismiss this action.

6. Each party shall bear its own attorneys' fees, costs and other expenses, incurred up to the date of entry of this Consent Order only, by such party in connection with any stage of the above-referenced proceeding including, but not limited to, attorneys' fees and costs which may be available under the Equal Access to Justice Act, as amended.

Dated: _____

Cynthia M. Rufe
U.S. District Court Judge

Consented to:

For the Plaintiff
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT
OF LABOR

Patrick L. Meehan
United States Attorney

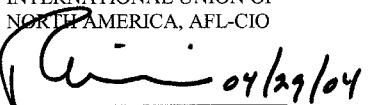
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